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SUBJECT: WESTERN SAHARA: AMBASSADOR BOLTON'S MEETING WITH
PETER VAN WALSUM, SRSG BASTAGLI

Classified By: Amb. John Bolton. E.O. 12958. Reasons 1.4 (b/d)

11. (C) Summary: In a May 8 joint call with SRSG for Western Sahara Francesco Bastagli, Personal Envoy for Western Sahara Peter van Walsum, noted the Security Council's April rollover of the MINURSO mandate and its failure to take action on the Secretary General's recommendation of direct talks between

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the key parties. He implied that there was so little for him to do now except submit his resignation. He inquired as to the current U.S. position on the Western Sahara, whether and when it might take a strong position and what U.S. views were on the future role of the Personal Envoy. Ambassador Bolton replied that the Security Council's "culture of inaction" on Western Sahara and the comfort the parties have regarding the status quo suggest that change would come only if forced by something like the possible termination of MINURSO. Ambassador Bolton said that given other priorities in the Middle East at this time, the U.S. is unprepared to take a different position on Western Sahara. Ambassador Bolton said we would wait to see what Morocco might offer by way of an autonomy proposal in six to nine months and, suggested that van Walsum travel to Paris, London and Madrid to urge those capitals to take decisive positions on the future of MINURSO.
End Summary.

12. (C) The Secretary General's Personal Envoy (PE) for Western Sahara Peter van Walsum and the Secretary-General's Special Representative for Western Sahara (SRSG) Francesco Bastagli made a May 8 joint call on Ambassador Bolton. Van Walsum noted that in its April rollover of the MINURSO mandate, the Security Council had not acted on the Secretary-General's call for negotiations between the

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parties, and that important members of the Security Council had indicated in their explanations of vote (EOVs) that this would be the last such technical rollover.

13. (C) But, Van Walsum wondered, if political influence has enabled Morocco to obstruct progress on the issue, could the Security Council force Morocco to do anything they do not want to do? Moreover, van Walsum added, the difficulties of forcing the Moroccans to come up with a reasonable proposal aside, whenever he has raised the issue with Algeria and the Polisario, he has been told that UNGA resolution 1514 (which asserted the right of self-determination for colonial peoples) and the 1975 International Court of Justice Advisory Opinion (ICJ AO) on Western Sahara (which supported applicability of UNGA 1514) are the basis of the international legality governing the Western Sahara. Expanding on the SYG's recommendation for direct negotiations

grounded on "realpolitik," van Walsum noted that both UNGA 1514 and the ICJ AO are more than thirty years old and that the Security Council's requirement for a chapter six (consensual) solution to the problem of Western Sahara in place since 2002, must now be considered a part of the international legal framework as well.

Security Council Inaction, Politics, the Rollover

¶4. (C) Ambassador Bolton said that heavy lobbying by Morocco, which does not want any constraints imposed on it, was a key factor in the rollover decision. Moreover, Ambassador Bolton added, given what Paul Volker has referred to as the "culture of inaction" at the Security Council, it is unlikely that anything will be seriously addressed until we are at a precipice. Such inaction, Ambassador Bolton recalled, was the reason he had suggested that MINURSO should be terminated. Ambassador Bolton said that having failed to start sufficiently in advance of the past rollover to force anything to happen, we will have to go through another six-month cycle. In the future, we need to establish some kind of structure that lays out consequences, in particular the termination of MINURSO, should Morocco not do something.

¶5. (C) Ambassador Bolton said that politics as well as international legality are at work in Western Sahara and change will occur only if we are willing to shake things up. In 1991 we established MINURSO and thought we could finish everything by the end of that year, but the Moroccans shot it down. In 1997 we established a referendum, and Moroccans shot that down. And in 2004, Baker developed the Baker Plan and the Moroccans shot that down. Thus, Ambassador Bolton said, the way to get to a decision might be to suggest that MINURSO will be terminated. You know something should be terminated when everyone claims to want it, but no one uses it to achieve a solution. MINURSO has become merely a security blanket for the parties.

¶6. (C) Ambassador Bolton said that Morocco had indicated it would have a substantial autonomy plan by March, but now asserts it will require an additional six to nine months because it needs to hold domestic political consultations and to pass a constitutional amendment to authorize such a plan. And in six months, the Moroccans might well say they are still not quite ready. Should this happen, Ambassador Bolton said, he would prefer to say to the U.S. taxpayer that we are not going to continue to pay for MINURSO and that it would be best to terminate MINURSO. At that point, we could tell the Western Saharans that they can return to Western Sahara, or they can return to war. Ambassador Bolton said his guess would be that the Sahrawi would remain in the camps in Algeria until the Algerians tired of contributing money to preserve the fiction.

Removing the Security Blanket

¶7. (C) Commenting on Ambassador Bolton's argument that the termination of MINURSO might be the only way to spur action on the Western Sahara, SRSB Bastagli noted that if the U.S. were serious about terminating MINURSO, it should make its position known as soon as possible. Van Walsum said that the U.S. has cried wolf too often about termination. Ambassador Bolton replied that he has been the only one even to suggest closure and only after fifteen years of inaction. Now, unless you do something dramatic, you won't get any action. He noted that in English law, possession is nine points of the law, Morocco controls the territory, and the Moroccans have no incentive to change. In fact, Ambassador Bolton said, the Moroccans have been upset every time the prospect of MINURSO termination is raised. MINURSO is their security blanket. But if there is no incentive for Morocco to change and no pressure on them to change, then it is difficult to understand why the UN should continue to participate, Ambassador Bolton said.

¶18. (C) Van Walsum asked whether Ambassador Bolton agreed with Algeria and the Polisario, who say that there will be a new political reality after Chirac departs, offering the possibility of pressure on Morocco. Ambassador Bolton said that there is always the possibility that a key actor might change its position. The Spanish have been calling for a combined Spanish, French, U.S. initiative.

¶19. (C) In response to van Walsum's query regarding when the U.S. might take a strong position on Western Sahara and, specifically, whether the U.S. might pressure Morocco to accept a referendum, Ambassador Bolton noted a number of factors at play, including democratization in the Middle East and Congressional unhappiness with yet another rollover. Things to Do

¶10. (C) Asked by van Walsum how the U.S. thought his efforts might be best directed, Ambassador Bolton said that the key goal should be that we avoid doing in six months what we did a few weeks ago and that the major players should not be allowed to wait until the last moment before discussing the way forward. Ambassador Bolton suggested that the Personal Envoy travel to Paris, London and Madrid to say that these capitals need to decide soon what should be done.

¶11. (C) SRSB Bastagli volunteered that MINURSO could contribute to "shaking things up" and therefore moving the process forward by providing human rights and political reporting that it has not done in the past. He said that such reporting could be accomplished without any increase in staffing. Moreover, he said, increasing the confidence building measures, and supplementing them with seminars might be additional activities that might energize dialogue between the two sides.
BOLTON